IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 20240 of 2006

Date of Decision : 19.12.2006

Union Territory, Chandigarh and others. ... Petitioners

Versus

Central Administrative Tribunal, Chandigarh and others. .. Respondents

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR,
HON'BLE MR. JUSTICE S.D. ANAND.

Present : Ms. Jaishree Thakur,
Additional Standing Counsel for U.T., Chandigarh,
for the petitioners.

J.S. Khehar, J. (Oral)

Through the instant writ petition, the petitioners have impugned the interim order passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as the "Administrative Tribunal"), dated 24.10.2006 while dealing with the claim raised by the respondents – Major Singh and others in Original Application No. 691/CH/2006. The offensive and disturbing part of the impugned order, according to the learned counsel for the petitioners, and which has been brought to our notice is being extracted hereunder:-

> "Meanwhile, the respondents may consider and decide their representation at Annexure A-7 wherein they have prayed for relaxation in age for their category on the grounds that they have been working under the respondents for fairly long time."

It is the vehement contention of the learned counsel for the petitioners, that there are no rules governing the recruitment for which the petitioners envisage relaxation of age, nor, is there any policy instruction

issued by the Chandigarh Administration, on the basis whereof, such relaxation can be granted.

It is not up to us to exercise this discretion which is a vested right of the petitioners, and simple and straight-forward order of the Administrative Tribunal, extracted herein above (as the offensive part thereof) merely requires the petitioners to take a final decision on the claim raised by the original applicants for relaxation of age.

We find no justification in interfering therewith. It is open to the petitioners to exercise their discretion, in accordance with law. This writ petition stand disposed of accordingly.

Order dasti on payment of usual charges.

(J.S. Khehar)

Judge

December 19, 2006 (S.D. Anand)
vkd Judge